

Amendment and Request for Continued Examination
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REMARKS

Claims 31, 35, and 39 have been amended. Support for the amendments to the claims is found throughout the specification, for example in Figs. 3 and 14 and at page 11, lines 27-29:

A single log may be supported by a singular pocket 14 which contains channels 32 as grooves in the pocket.

Claims 1-17 and 31-39 are pending, claims 18-30 were previously withdrawn from consideration, as non-elected group II.

CLAIM REJECTIONS

In the January 26, 2005 Office Action, claim 39 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Bush, Jr. et al. (US 3,908,495). Claims 1-13 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Perini (US 4,329,895) in view of Rood (US 3,764,717) and Win et al. (US 5,667,635). Claims 31-34 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Perini (4,329,895) in view of Rood (US 3,764,717). Claims 1-17 and 31-39 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Renard (3,213,731) in view of Bush, Jr. et al. (3,908,495). Applicants respectfully assert that all of the claims comply with 35 U.S.C. § 102(b), 35 U.S.C. § 103(a) and all of the claims are allowable.

Bush, Jr. et al (3,908,495)

Applicants respectfully assert that Bush, Jr. et al. (3,908,495) does not disclose, teach or suggest a pocket, placing a log in a pocket, or discharging a log to a pocket as recited in claims 1-9, 14-17, and 31-39. In addition, Applicants respectfully assert that there is no suggestion or motivation as required by MPEP 2143.01 to modify the Bush, Jr. reference to provide the transfer of a log from the conveyor to a holding support or pocket without the use of a transfer plate, as recited in claims 10-13 and 31-34, or metering the rate at which the log is discharged from the transfer plate to a pocket, as recited in claims 14-17 and 35-38, for example.

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First, applicants assert that Bush, Jr. et al. does not disclose, teach or suggest a pocket. Bush, Jr. et al. disclose "radially projecting arms" as stated at column 5, line 28, but not a pocket. The structural differences between a pocket and arm are readily apparent by comparing the drawings of this application with those of Bush, Jr. As shown in Fig. 1 of Bush, Jr., arms have substantial two dimensional character, thereby requiring multiple arms to support a log. In contrast, the pockets of this application have substantial three-dimensional character as shown in Fig. 3, thereby allowing a log or substrate to be supported by a singular pocket. Claims 1-9, 14-17, and 31-39 each recite placing a log in a pocket or discharging to a pocket. Thus, the log is supported by a singular pocket. In contrast, Bush, Jr. teaches multiple arms to support a log. In fact a singular arm of Bush, Jr. would not be able to support a log due to it's two-dimensional character, which further exemplifies the distinction between an arm and a pocket, and the relevance of this distinction to the claims of this application.

Second, applicants assert that Bush, Jr. does not disclose, teach or suggest channels in a pocket. Although Bush, Jr. shows a space between two arms which may be likened to a channel, applicants respectfully point out that the channels recited in claims 31-39 are situated in the pocket. Bush Jr. does not teach such channels in a pocket.

Third, applicants assert that there is no motivation to modify Bush, Jr. to omit the use of a transfer plate. Bush, Jr. discloses a conveyor, a movable ramp section, a ramp mean, and rotary log feed means in series. "The ramp means 35 is inclined downwardly as shown in FIG. 1 and terminates adjacent a plurality of rotary log feed means 36." (column 5, lines 24-27). However, there is no suggestion or motivation in Bush, Jr. for a method of cutting comprising transfer of a log directly from the conveyor to a holding support or pocket. The configuration of the Bush, Jr. apparatus as shown in Fig. 7, is such that elimination of the transfer plate would not allow the log to be received into the holding support. The transfer plate of Bush Jr. is required to guide the log into the holding support. In contrast, independent claims 10 and 31 of this application omit the use of a transfer plate. Whereas Bush, Jr. relies upon a transfer plate for proper orientation of the log, claims 10 and 31 of this

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application omit the use of a transfer plate and retain the function of orientating the log as is illustrated in Fig. 3, for example. MPEP 2144.04, section II (b) recites that "omission of an element and retention of its function is an indicia of unobviousness".

Fourth, applicants assert that there is no suggestion or motivation to modify Bush, Jr. to meter the rate at which the log is discharged from the transfer plate to a pocket. Bush, Jr. et al. disclose metering or indexing from the conveyor to the transfer plate. "[T]he logs will be forced there along by the conveyor chains 114, 115 until they contact the log indexing means 22." (column 12, lines 14-16) As shown in Fig. 7 of Bush, Jr. et al., the log indexing means are before the transfer plate and provide metering from the conveyor to the transfer plate. In contrast, independent claims 14 and 35 recite metering from the transfer plate to a pocket. As stated in *Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. Inter. 1984):

"The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device."

Applicants find no motivation or suggestion in Bush, Jr. et al. to rearrange the metering and transfer plate elements. As such, Bush, Jr. does not disclose, teach or suggest metering from the transfer plate to the pocket as recited in claims 14-17 and 35-38.

For the reasons presented herein, Bush, Jr. does not disclose, teach, or suggest each and every element, nor provide the suggestion or motivation to modify to afford the transfer of a log from the conveyor to a holding support or pocket without the use of a transfer plate, or metering from the transfer plate to the pocket. Therefore Bush, Jr. does not anticipate, nor make obvious claims 1-17, and 31-39.

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Win et al. (5,667,635)

Applicants respectfully assert that Win et al. (5,667,635) does not disclose, teach or suggest a moist log including a wound log of moist substrate or a wet wipes log, nor a log of moisture content of at least about 50% or at least about 65%. Win et al. disclose rectangular-shaped wet wipes. Rectangular shaped wet wipes with substantial moisture content are taught in example 1 where a stack of sheets is manually saturated with a wetting solution (column 6, lines 6-15). However, Win et al. does not disclose a log with substantial moisture content. In fact, the only log-shaped item disclosed in Win et al. is a dried basesheet 23 on reel 24 (Fig. 1 and column 4, lines 60-64). Win et. al does not disclose, teach or suggest a log of moisture content of at least 50 or 65% as recited in independent claims 1, 5, 10, and 14 and therefore does not anticipate claims 1-17.

Perini (4,329,895) and Rood (3,764,717)

Applicants respectfully assert that there is no suggestion or motivation as required by MPEP 2143.01 to modify the Perini (4,329,895) and Rood (3,764,717) references to provide for the transfer of a log from the conveyor to a holding support or pocket directly, without the use of a transfer plate.

Perini teaches inclined planar chutes for passing feed rolls to a roll holder. (column 1, line 60 to column 2, line 10) As shown in Fig. 1 of Perini, the chutes are orientated to deliver the rolls at about a nine o'clock position on the continuous conveyor transporting the roll holders. Without the chutes or transfer plate, transfer of the roll to the roll holder would not be possible as taught by Perini, since the roll would merely fall to the ground due to the force of gravity. Applicants note that there is no suggestion or motivation by Perini for a method of cutting without the use of a transfer plate.

Rood teaches the method of placing vegetables on a conveyor, advancing the conveyor and discharging the log from the conveyor onto a transfer plate 20 for the purpose of orientating the product. The function of the transfer plate is to orientate

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the product, (Rood, column 2, lines 48-52; column 3, lines 10-17; and Fig. 1) such that 85 to 90 percent of all pockets are filled (column 6, lines 6-8). Without the transfer plate, the vegetables would not be properly aligned for cutting, and in fact would not fall into the pockets used to support the vegetables during cutting. Applicants note that there is no suggestion or motivation by Rood transfer directly from the conveyor to the pocket, and that the apparatus of Rood would not function without the transfer plate.

In contrast, claims 10-13 and 31-34 of this application omit the use of a transfer plate. Whereas Perini and Rood rely upon a transfer plate for proper orientation of the product, claims 10-13 and 31-34 of this application omit the use of a transfer plate and retains the function of orientating the product as illustrated in Fig. 3, for example. MPEP 2144.04, section II (b) recites that "omission of an element and retention of its function is an indicia of unobviousness". Accordingly, Perini and Rood, either alone or in combination do not establish a *prima facie* case of obviousness against claims 10-13 and 31-34.

Renard and Bush, Jr. et al.

Applicants assert that Renard and Bush, Jr. et al. do not disclose, teach or suggest, a pocket which maintains the shape, integrity and position of the log as it is cut, or honing the cutting blade such that the pocket is not contaminated.

First, applicants assert that neither Bush, Jr. or Renard disclose a pocket maintaining the shape, integrity and position of the log as it is cut. The apparatus of both Bush, Jr. et al. and Renard are designed for handling rigid and non-flexible logs such as tree logs and cored toilet tissue logs. For example, the log processing machine of Bush, Jr. et al. contains a plurality of radially projecting arms (column 5, lines 27-28) with a large gap provided between the arms as shown in Fig. 1. Although this type of support may be adequate for a rigid tree log, a coreless wet wipes log as recited in claims 5-9 or other flexible log would sag between in the gap between the arms, and thus not maintain the shape, integrity and position of the wet wipes log or other flexible log as it is cut.

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Renard discloses a trough which supports a cored log. However, in order to cut the log into a plurality of rolls, Renard teaches advancing the log axially along the pocket. Although, a cored log or a rigid log may retain its shape as it is pushed axially along the pocket, a coreless wet wipes log which has properties of flexibility and non-rigidity would bunch and bind if pushed axially along the trough. As such, the Renard trough does not teach a pocket which maintains the shape, integrity and position of the coreless wet wipes log as it is cut. Accordingly, Renard and Bush, Jr. et al. either alone or in combination do not establish a *prima facie* case of obviousness against claims reciting a pocket which maintains the shape, integrity and position of the coreless wet wipes log as it is cut, as in claims 5-9.

Second, applicants assert that Renard does not teach "honing the cutting blades while in the away position, whereby material from the honing does not contaminate the pocket, the log, or the rolls." Renard discloses moving the cutting blades away from the pocket and honing the blade. However, as disclosed by Renard, the orbital position of the mounted saw during sharpening is "about two o'clock" (column 3, lines 27-27). The orbital position of the mounted saw during cutting is "about four o'clock" (column 3, lines 72-74). Since the plane of orbit of the mounted saw is perpendicular to the trough (see Fig. 8) the two o'clock position is directly above the four o'clock position. As such, if cutting of the log in the trough occurs at four o'clock, then the two o'clock position must also be over the trough. The position of the blade above the trough during sharpening is further supported by the position of jet 135a which provides coolant during sharpening. (column 3 lines 35-36 and Fig. 8) As shown in Figure 8, jet 135a is above and slightly to the left of the trough, and thus, in order to spray coolant at the blade during sharpening, the blade must be located above the trough. As such, the trough can be contaminated by the material from the sharpening process due to the relative location of the blade and trough during sharpening. Renard does not disclose, teach, or suggest honing the cutting blade without contaminating the pocket as recited in claims 14-17 and 35-38.

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For the reasons presented herein, Renard and Bush, Jr. et al. either alone or in combination do not disclose, teach or suggest, a pocket which maintains the shape, integrity and position of the log as it is cut, or honing the cutting blade such that the pocket is not contaminated. As such, Renard and Bush, Jr. et al. do not establish a *prima facie* case of obviousness against claims 5-9, 14-17, and 35-38.

CONCLUSION

Applicants believe that currently pending Claims 1-17 and 31-39 are patentable. Applicants respectfully request that the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned agent for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,



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